

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WENDY CHAN,)	
)	Civil Action
Plaintiff)	No. 10-cv-03424
)	
vs.)	
)	
COUNTY OF LANCASTER;)	
DENNIS STUCKEY;)	
SCOTT MARTIN;)	
CRAIG LEHMAN;)	
CHARLES E. DOUTS, JR.; and)	
ANDREA McCUE,)	
)	
Defendants)	

O R D E R

NOW, this 23rd day of September, 2011, upon
consideration of the following documents:

- (1) Defendant's Motion to Dismiss Plaintiff's Amended Complaint, which motion was filed February 24, 2011 (Document 15); together with

Brief in Support of Defendants' Motion to Dismiss Amended Complaint, which brief was filed February 24, 2011 (Document 16);

- (2) Plaintiff's Response in Opposition to Defendants' Motion to Dismiss in Part the Amended Complaint, which response was filed March 21, 2011 (Document 17); together with

Plaintiff's Memorandum in Support of Plaintiff's Response in Opposition to Defendants' Motion to Dismiss in Part Amended Complaint, which memorandum was filed March 21, 2011 (Document 17-2); and

- (3) Reply Brief in Support of Defendants' Motion to Dismiss Amended Complaint, which reply brief was filed April 8, 2011 (Document 21),

it appearing that plaintiff withdrew her claims in Count I for deprivation of substantive due process and politically-motivated

wrongful termination¹; upon review of plaintiff's Amended Complaint filed February 7, 2011 (Document 14); and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendant's Motion to Dismiss Plaintiff's Amended Complaint is granted in part and denied in part.

IT IS FURTHER ORDERED that the motion is granted to the extent it seeks dismissal of the claims in Count I against all defendants for violation of procedural due process, First Amendment retaliation, and conspiracy; and dismissal of the claim in Count II against defendant County of Lancaster for violation of Title VII of the Civil Rights Act of 1964 and the claim in Count IV against all defendants for violation of the Pennsylvania Human Relations Act ("PHRA"), to the extent these claims are based on a hostile work environment.

IT IS FURTHER ORDERED that the procedural due process claim in Count I, to the extent it is based on deprivation of a property interest in plaintiff's employment, is dismissed against all defendants with prejudice.

IT IS FURTHER ORDERED that the procedural due process claim in Count I, to the extent it is based on deprivation of a liberty interest in plaintiff's reputation, is dismissed against all defendants without prejudice for plaintiff to re-plead this claim in accordance with the accompanying Opinion.

¹ See Plaintiff's Response in Opposition to Defendants' Motion to Dismiss in Part the Amended Complaint at 1.

IT IS FURTHER ORDERED that the claims for First Amendment retaliation and conspiracy in Count I are dismissed against all defendants without prejudice for plaintiff to re-plead these claims in accordance with the accompanying Opinion.

IT IS FURTHER ORDERED that the claim in Count II against defendant County of Lancaster for violation of Title VII and the claim in Count IV against all defendants for violation of the PHRA, to the extent these claims are based on a hostile work environment, are dismissed without prejudice for plaintiff to re-plead these claims in accordance with the accompanying Opinion.

IT IS FURTHER ORDERED that the claims in Count I for deprivation of substantive due process and politically-motivated wrongful termination are withdrawn against all defendants.

IT IS FURTHER ORDERED that in all other respects, defendants' motion is denied.

IT IS FURTHER ORDERED that plaintiff shall have until October 17, 2011 to file a second amended complaint in accordance with this Order and accompanying Opinion.

IT IS FURTHER ORDERED that, in the event plaintiff does not file a second amended complaint by October 17, 2011, defendants shall have until October 31, 2011 to answer the remaining claims.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge